

Process for Developing Programmatic Regulations

Section 601 (h) of the Water Resources Development Act of 2000 requires that the Secretary of the Army promulgate programmatic regulations to ensure that the goals and purposes of the Comprehensive Plan are achieved. The law requires that these programmatic regulations be developed within two years of the date of enactment; after notice and opportunity for public comment; with the concurrence of the Governor and the Secretary of the Interior; and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies. Consequently, the following process will be used for developing the programmatic regulations:

a. **Initial Meetings with Agencies and Governments.** An initial meeting with Federal, State, and local agencies and the tribes will be held to discuss the process for developing the programmatic regulations and to receive input from them on the items to be included in the programmatic regulations and the issues that need to be addressed in the development of the regulations.

b. **Initial Briefing of Working Group.** The South Florida Ecosystem Restoration Working Group will be briefed on the WRDA 2000 requirements for the programmatic regulations and the process that will be utilized in developing them. This initial briefing will also serve to better understand agency and public views on the development of the programmatic regulations.

c. **Initial Round of Meetings with Stakeholders.** An initial round of separate meetings with various stakeholders will be held to discuss the process for developing the programmatic regulations and to receive input from them on the items to be included in the programmatic regulations and the issues that need to be addressed in the development of the regulations.

d. **Initial Public Workshop.** A public workshop will be held to discuss the process for developing the programmatic regulations and to receive input on the items to be included in the programmatic regulations and the issues that need to be addressed in the development of the regulations.

e. **Initial Briefing of SFWMD Governing Board.** The SFWMD Governing Board will be initially briefed on the WRDA 2000 requirements for the programmatic regulations and the process that will be utilized in developing them. This initial briefing will also serve to better understand agency and public views on the development of the programmatic regulations.

f. **Develop Draft Outline of Programmatic Regulations.** A draft outline of the programmatic regulations will be developed. The input received from the initial round of meetings with the agencies, stakeholders, and the public will be considered in the development of the outline.

g. **Second Round of Meetings with Agencies and Governments.** A second round of meetings with agencies and governments will be held to solicit comments on the draft outline of the programmatic regulations.

h. **Second Round of Meetings with Stakeholders.** A second round of meetings with stakeholders will be held to solicit comments on the draft outline of the programmatic regulations.

i. **Finalize Outline of Programmatic Regulations.** The outline for the programmatic regulations will be finalized. The comments received from agencies, stakeholders, and the public on the draft outline will be considered in the development of the final outline.

j. **Develop First Draft of Programmatic Regulations.** Based on the final outline of the programmatic regulations, a first draft of the regulations will be developed.

k. **Third round of Meetings with Agencies and Governments.** A third round of meetings with agencies and governments will be held to solicit comments on the first draft of the programmatic regulations.

l. **Third round of Meetings with Stakeholders.** A third round of meetings with stakeholders will be held to solicit comments on the first draft of the regulations.

m. **Finalize Draft Programmatic Regulations.** The draft programmatic regulations will be finalized. The comments received from agencies, stakeholders and the public on the first draft of the regulations will be considered in developing the final draft. The final draft will be reviewed by the Department of the Army and OMB for clearance.

n. **Publish Draft Programmatic Regulations in the Federal Register.** The draft programmatic regulations will be published in the Federal Register for formal public and agency comment. A 60-day comment period will be scheduled. In accordance with the Water Resources Development Act of 2000, the draft regulations published in the Federal Register will be used as the basis for seeking concurrence by the Secretary of the Interior and the Governor and for formal consultation with other Federal, State, and local agencies. As required by the Water Resources Development Act of 2000, a 180-day period from the close of the public comment period will be scheduled for receiving concurrence.

o. **Public Meetings.** Formal public meetings will be held to solicit public comment on the published draft regulations.

p. **Finalize Programmatic Regulations.** The final programmatic regulations will be prepared. The final regulations will include a discussion of the comments received on the draft regulations and they will also include the required concurrence or nonconcurrence from the Secretary of the Interior and the Governor.

q. **Publish Final Programmatic Regulations in the Federal Register.** The final regulations will be published in the Federal Register. This will constitute promulgation of rules as required by the Water Resources Development Act of 2000.

Schedule for Developing the Programmatic Regulations. The schedule for developing and promulgating the programmatic regulations is shown below:

Initial Meetings with Agencies and Governments	17 May 2001
Initial Briefing of Working Group	23 May 2001
Initial Round of Meetings with Stakeholders	early to mid-June 2001
Initial Public Workshop	late June 2001
Initial Briefing of SFWMD Governing Board	11 July 2001
Develop Draft Outline of Programmatic Regulations	July 2001
Second Round of Meetings with Agencies and Governments	September 2001
Second Round of Meetings with Stakeholders	September 2001
Finalize Outline of Programmatic Regulations	October 2001
Develop First Draft of Programmatic Regulations	December 2001
Third Round of Meetings with Agencies and Governments	January 2002
Third Round of Meetings with Stakeholders	January 2002
Finalize Draft Programmatic Regulations	1 March 2002
Publish Draft Programmatic Regulations in Federal Register	15 March 2002
Public Meetings	April 2002
Finalize Programmatic Regulations	mid- November 2002
Publish Final Programmatic Regulations in Federal Register	1 December 2002